

MEMO ENDORSED

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August 13, 2008

BY HAND

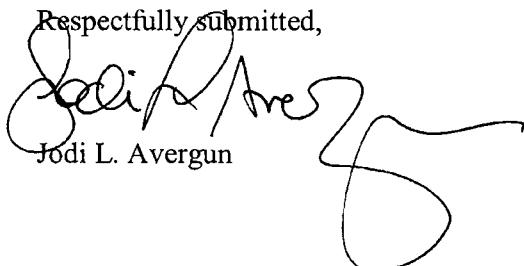
USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 8/19/08
DATE FILED: 8/19/08

Hon. Lewis A. Kaplan
United States District Judge
United States Courthouse
500 Pearl Street, Room 1310
New York, New York 10007

Re: Securities and Exchange Commission v. Biovail Corp., Eugene Melnyk, Brian Crombie, John Miszuk and Kenneth Howling, 08 CV 02979 (LAK)

We represent John Miszuk in the above captioned matter. Instead of opposing Mr. Miszuk's motion to dismiss the Securities and Exchange Commission's ("SEC") complaint and strike the request for disgorgement filed June 22, 2008 with this Court, the SEC filed an Amended Complaint in this action on July 31, 2008. The parties have agreed that the original stipulation will continue to govern the briefing schedule. Mr. Miszuk's motion to dismiss the SEC's Amended Complaint will accordingly be due, as previously stipulated, on August 22, 2008. Mr. Miszuk plans to use the prior motion to dismiss, filed on June 22, in substantially the same form, but with additional discussion to address the SEC's new allegations. To that end, and pursuant to your Honor's local rules regarding page limits for memoranda of law, Mr. Miszuk respectfully requests an extension of 10 additional pages to adequately respond to the SEC's newly Amended Complaint.

Respectfully submitted,



Jodi L. Avergun

Application granted.

So Ordered:



Paul Cutty
U.S.D.J. - Part I

Dated: New York,
8/ 19 /2008

cc: All counsel

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